

UNITED STATES DISTRICT COURT

District of Arizona

United States of America)
v.)
1.) *Jesus Manuel* ARRAZOLA ENCINAS) Case No: MJ 25-3178
2.) *Maximino* NAJERA VIZCARRA)
3.) *Jose Luis* ARRAZOLA ENCINAS)
4.) *Marco Antonio* RUELAS SOLIS)
5.) *Fausto* JUAREZ ENCINAS)
Defendant(s)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Maricopa in the District of Arizona, the defendants committed the crimes of Possession of a Firearm by Alien Unlawfully Present in the United States, in violation of Title 18, United States Code (U.S.C.), Sections 922(g)(5) and 924(a)(8), offenses which are more fully described as follows:

See Attachment A- Description of Count(s)

I further state that I am a Special Agent (SA) for the United States Forest Service (USFS) and that this complaint is based on the following facts:

See Attached B, Statement of Probable Cause, Incorporated By Reference Herein

AUTHORIZED BY: Sheila Phillips, AUSA

Sheila Phillips Digitally signed by SHEILA PHILLIPS
Date: 2025.05.04 19:38:46 -07'

☒ Continued on the attached sheet and made a part hereof

Victor Morales, SA for USFS

Name of Complainant

**VICTOR
MORALES**

Digitally signed by VICTOR MORALES
Date: 2025.05.04 19:29:02 -07'00'

Signature of Complainant

Sworn to telephonically before me

May 03, 2025 5/5/25
Date

at Phoenix, Arizona
City and State

Honorable Michael T. Morrissey
United States Magistrate Judge
Name and Title of Judicial Officer

Michael T. Morrissey
Signature of Judicial Officer

ATTACHMENT A

DESCRIPTION OF COUNTS

COUNT 1

Possession of a Firearm by an Alien Unlawfully Present in the United States

On or about May 03, 2025, in the District of Arizona, Defendant JESUS MANUEL ARRAZOLA ENCINAS, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm and ammunition, to wit: (1) American Tactical Omni multi caliber pistol bearing serial number NS163780, (2) 13 rounds of .223 caliber ammunition with the headstamp bearing “.223 REM STV”, which had previously been shipped or transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

COUNT 2

Possession of a Firearm by an Alien Unlawfully Present in the United States

On or about May 03, 2025, in the District of Arizona, Defendant MAXIMINO NAJERA VIZCARRA, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess firearms and ammunition, to wit:

- (1) Pioneer Arms Sporter 7.62x 39-millimeter rifle bearing serial number PAC1111398,
- (2) 29 rounds of 7.62x 39-millimeter ammunition with the headstamp bearing “MAXX Tech”,
- (3) Glock model 21, .45 caliber pistol bearing serial number PAS719,
- (4) 12 rounds of .45 caliber ammunition with the headstamp bearing “S&B 45 auto”, which had previously been shipped or transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

COUNT 3

Possession of a Firearm by an Alien Unlawfully Present in the United States

On or about May 03, 2025, in the District of Arizona, Defendant JOSE LUIS ARRAZOLA ENCINAS, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess firearms and ammunition, to wit:

(1) BWK-92 5.56x 45-millimeter rifle bearing serial number 304944,

(2) 20 rounds of 7.62x 39-millimeter ammunition with the headstamp bearing “MAXX Tech”, which had previously been shipped or transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

COUNT 4

Possession of a Firearm by an Alien Unlawfully Present in the United States

On or about May 03, 2025, in the District of Arizona, Defendant MARCO ANTONIO RUELAS SOLIS, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess firearms and ammunition, to wit:

(1) FNS-9C 9-millimeter pistol bearing serial number CSU0039144,

(2) 40 rounds of 9-millimeter ammunition with the headstamp bearing “9MM WIN LUGER”, which had previously been shipped or transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

COUNT 5

Possession of a Firearm by an Alien Unlawfully Present in the United States

On or about May 03, 2025, in the District of Arizona, Defendant FAUSTO JUAREZ ENCINAS, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess ammunition, to wit:

(1) 53 rounds of .223 caliber ammunition with the headstamp bearing "223 REM STV", which had previously been shipped or transported in interstate or foreign commerce. All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Victor Morales, a Special Agent (SA) for United States Forest Service being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Forest Service. I have been appointed as a Special Agent since June 4, 2023. Prior to my tenure as a Special Agent, I served as a Law Enforcement Officer with the United States Forest Service since February 27, 2011. Currently, I am assigned to the Tonto National Forest in Arizona.
2. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other investigators involved in the investigation, and information obtained from witnesses. Based on the below facts, your Affiant submits there is probable cause that JESUS MANUEL ARRAZOLA ENCINAS, MAXIMINO NAJERA VIZCARRA, JOSE LUIS ARRAZOLA ENCINAS, MARCO ANTONIO RUELAS SOLIS, and FAUSTO JUAREZ ENCINAS, committed the crimes of Possession of a Firearm by an Alien Unlawfully Present in the United States, in violation of Title 18, United States Code (U.S.C.) §§ 922(g)(5) and 924(a)(8).

PROBABLE CAUSE

3. On May 03, 2025, at approximately 10:00 p.m., while patrolling the Lower Sycamore Dispersed Recreation Area on the Tonto National Forest (TNF) within the Mesa Ranger District in Maricopa County, your Affiant, and Forest Service Law Enforcement Officers observed a group of people target shooting along Forest Road (FR) 403 in the user created shooting pits.
4. Your Affiant and other officers observed multiple subjects, subsequently identified as Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA

ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS, discharging multiple firearms in the area.

5. Pursuant to Tonto National Forest Emergency Recreational Shooting Order 03-12-00-25-08 (eff. 05/01/2025), Discharging a firearm during Stage 2 Fire Restrictions is prohibited. This emergency prohibition order is posted on a large informational kiosk at the entrance of Lower Sycamore along Forest Road 403, near the user created shooting pits.
6. US Forest Service Law Enforcement Officers Bradley Sorenson, Michael Norton, Jason Gentile and I contacted the group to address the violation. The subsequent field interviews were conducted in Spanish due to a language barrier.
7. Your Affiant identified himself and advised them that the Tonto National Forest was currently in Stage 2 Fire Restrictions and target shooting is prohibited due to extreme drought. The group stated they had been shooting within the Lower Sycamore area multiple times prior to this contact.
8. Your Affiant asked the group to whom the firearms belonged. Jesus Manuel ARRAZOLA ENCINAS claimed the American Tactical Omni multi caliber pistol bearing serial number NS163780, and 13 rounds of .223 caliber ammunition with the headstamp bearing ".223 REM STV".
9. Maximino NAJERA VIZCARRA claimed the Pioneer Arms Sporter 7.62x 39-millimeter rifle bearing serial number PAC1111398, 29 rounds of 7.62x 39-millimeter ammunition with the headstamp bearing "MAXX Tech", a Glock model 21, .45 caliber pistol bearing serial number PAS719, and 12 rounds of .45 caliber ammunition with the headstamp bearing "S&B 45 auto".
10. Jose Luis ARRAZOLA ENCINAS claimed the BWK-92 5.56x 45-millimeter rifle bearing serial number 304944, and 20 rounds of 7.62x 39-millimeter ammunition with the headstamp bearing "MAXX Tech".
11. Marco Antonio RUELAS SOLIS claimed an FNS-9C 9-millimeter pistol bearing serial number CSU0039144, and 40 rounds of 9-millimeter ammunition with the headstamp bearing "9MM WIN LUGER".

12. Fausto JUAREZ ENCINAS claimed 53 rounds of .223 caliber ammunition with the headstamp bearing "223 REM STV" and a non-serialized .223 caliber AR-15 style rifle.

13. Your Affiant asked for a driver's license or identification card so that record checks could be conducted through Maricopa County dispatch. Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS handed your Affiant a Mexican voter identification card. Your Affiant asked if they had an Arizona identification card or a non-resident hunting license. Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS responded "no".

14. Your Affiant read Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS their Miranda rights. Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS each signed a waiver form translated in Spanish and agreed to waive their rights.

15. Your Affiant asked Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS if they were U.S Citizens. Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS responded, "no" and that they were Mexican citizens. Your Affiant then asked Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS if they had a nonimmigrant visa, and they stated "no".

16. Your Affiant asked Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS if they were in the country illegally, and they each stated "yes". Marco Antonio RUELAS SOLIS and Fausto JUAREZ ENCINAS both stated they had been previously deported.

17. Your Affiant advised Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ that being in the United States illegally and possessing a firearm is prohibited. The abovementioned firearms and ammunition were seized as evidence and are being stored at the Mesa Ranger Station. The incident was recorded with an agency issued Axon 4 Body Worn Camera.

18. Your Affiant contacted Immigration and Customs Enforcement (ICE) Supervisory Detention and Deportation Officer (SDDO) Thompson. SDDO Thompson informed your Affiant that Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS were illegally present in the United States. SDDO Thompson also confirmed to your Affiant that Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS did not have any pending applications to become citizens of the United States. SDDO Thompson also informed your Affiant that Marco Antonio RUELAS SOLIS and Fausto JUAREZ ENCINAS had been previously removed from the United States. RUELAS SOLIS was previously removed from the United States in 2024 by the US Border Patrol in Yuma, AZ via an "expedited removal". JUAREZ ENCINAS was previously removed from the United States in 2019 by the US Border Patrol in Ajo, AZ via an "expedited removal".

19. Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS are currently in custody with ICE in Florence, AZ and are pending a hearing with an immigration judge.

20. On May 4, 2025, Nexus Expert ATF SA Lowell Farley examined photographs of the abovementioned firearms and ammunition. ATF SA Farley confirmed the mentioned firearms and ammunition were manufactured outside of the state of Arizona. Therefore, the firearms and ammunition traveled in interstate or foreign commerce since they were found in Arizona.

CONCLUSION

21. For these reasons, your Affiant submits that there is probable cause to believe Jesus Manuel ARRAZOLA ENCINAS, Maximino NAJERA VIZCARRA, Jose Luis ARRAZOLA ENCINAS, Marco Antonio RUELAS SOLIS, and Fausto JUAREZ ENCINAS committed the crime of Possession of a Firearm by an Alien Unlawfully Present in the United States, in violation of Title 18, U.S.C. §§ 922(g)(5) and 924(a)(8).
22. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

VICTOR Digitally signed by
MORALE VICTOR MORALE
Date: 2025.05.04
19:29:34 -07'00'

VICTOR MORALES
Special Agent
United States Forest Service

Sworn to and subscribed electronically this 4 day of May, 2025.

Michael T. Morrissey

HONORABLE MICHAEL T. MORRISSEY
United States Magistrate Judge

Sworn on 5/5/25 at 7:25 am